

REMARKS

Claims 110-136 are pending in this application. By this Amendment, claims 121, 127, and 128 are amended.

In a restriction requirement dated May 4, 2006, the Examiner required restriction under 35 U.S.C. § 121 between:

- Group I: Claims 110-120 and 129-136, allegedly drawn to a surgical instrument used in endoscopic fundoplication; and
- Group II: Claims 121-128, allegedly drawn to a method of performing invagination.

In addition, upon election of one of the alleged Groups above, the Examiner required an election of one of the following allegedly distinct species:

- Species 1: Figures 1-24;
- Species 2: Figures 25-37; and
- Species 3: Figures 38-48.

Although Applicant does not necessarily agree with the Examiner's assertions concerning the allegedly distinct claimed inventions and species, Applicant provisionally elects to prosecute Group I (i.e., claims 110-120 and 129-136) and Species 1 (i.e., Figs. 1-24), with traverse.

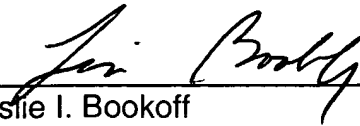
Applicant respectfully submits that at least claims 110-120 and 129-136 appear to be readable on elected Group I and Species 1. In addition, since claim 121 has been amended to depend from independent claim 110, claims 121-128 should be examined together with claims 110-120 and 129-136.

Please grant any extensions of time required to enter this Amendment and Response to Restriction Requirement and charge any additional required fees not otherwise provided with this filing to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 14, 2006

By: 
Leslie I. Bookoff
Reg. No. 38,084